(2) Presidency Magistrates;
(3) any other Magistrates;
(4) any other judicial officer or public authority, whose official seal is not prescribed by law and no other authority is legally competent to prescribe.

Every such notification may from time to time be modified or rescinded by the Governor in Council by a like notification.

Date on which notifications under last section shall take effect.

4. Every notification made under the last preceding section shall come into force on such date as the Governor in Council shall therein fix in this behalf.

BOMBAY ACT No. VI OF 1883.[1]

[*26th November, 1883.*]

An Act to further amend the Bombay Port Trust Act, 1879.

[NOTE.—The amendment made by this Act is incorporated in Bom. Act VI of 1879, *supra*.] Bom. Act VI of 1879.

THE BOMBAY LOCAL BOARDS ACT, 1884.

CONTENTS.

I.—PRELIMINARY.

SECTIONS.
1. Short title.
Local extent.
2. Repealing section.
3. Interpretation section.
"Official Gazette."
"Salaried servant of Government."
"Taluka."
Expressions defined in the Revenue Code.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1883, Pt. V, p. 16; and for Proceedings in Council, *see ibid*, p. 71.

II.—Of Local Boards.

Constitution of the Boards.

Sections.

4. Establishment of district and taluka local boards.
Local extent of the board's authority.
5. Constitution of local boards.
6. Elective members of taluka local boards by whom to be elected.
7. Elective members of district local boards by whom to be elected.
8. Constitution of local boards in exceptional parts.
9. Incorporation of local boards.

Qualifications and disqualifications of Members.

10. Qualifications necessary for certain members of taluka local boards.
11. General disqualifications.
12. Re-eligibility of members.

Terms of Office; Casual Vacancies.

13. First local boards from what date to take office.
14. Term of office.
15. Casual vacancies how to be filled up.

Elections of Members.

16. Elections when to be held.
17. Elections under sections 6 (*c*) and 7 (*c*) how to be conducted.
18. What persons may be voters at elections of members of taluka local boards under section 6 (*b*).
19. General disqualifications.
20. Preparation of lists of persons qualified to be members of taluka local boards and of voters.
21. Publication of the lists.
22. Revision of lists.
23. Lists conclusive evidence of right to be elected or to vote.
24. Provisions for particular cases.
25. Determination of validity of elections: inquiry by Judge: procedure.
25A. Corrupt practices: criminal offences and procedure.
26. Publication of names of members in the official Gazette.

Presidents and Vice-Presidents.

27. Nomination of presidents and of vice-presidents.
Their term of office and liability to be removed.
Casual vacancies in their office how to be filled up.

SECTIONS.

28. Functions of presidents.
President in certain cases to have only a casting vote.
29. Functions of vice-presidents.

Duties of Local Boards.

30. Obligatory duties.
Discretionary powers of expenditure.
31. Relative duties of taluka and district local boards.

Conduct of Business.

32. Provisions regulating local boards' proceedings.
Board to meet together and arrange for transaction of business as they think fit, but
a special meeting may be called whenever necessary upon an emergency, and
one-third of the members shall form a quorum, and
meetings must ordinarily be open to the public, and
every meeting to be presided over by the president, and
all questions must be decided by a majority of votes, and
board may delegate their functions to committees, and
committees' meetings to be presided over by a chairman, and
committees shall meet when they think proper, and
questions at committees' meetings shall be decided by a majority of votes, and
notice must be given to Public Works and Educational officers when they are entitled under section 33 to be present, and
minutes of proceedings shall be kept, and
all regulations made by a taluka local board to be subject to the approval of the district local board.
Vacancy not to affect board's proceedings.
Acts of board, etc., not to be invalidated by informalities.
33. Certain Government officers may attend meetings of district local boards;
and certain Government officers may attend meetings of taluka local boards.
Local boards may require the presence of the said officers at their meetings.
34. President may circulate written propositions.
35. Mode of executing contracts.

Joint Committees.

36. Joint committees of two or more local bodies.

Personal liability of Members.

SECTIONS.

37. Local funds ordinarily liable for all costs and expenses incurred by boards;
but members to be held responsible for misapplied funds.

III.—OF THE OFFICERS AND SERVANTS OF LOCAL BOARDS.

38. Schedule of establishment to be prepared and sanctioned by district local boards.
39. Local boards to frame regulations—
for fixing the amount of the security to be furnished;
for regulating leave;
for settling absentee allowances;
for fixing acting allowances;
for regulating length of service;
for fixing pensions, etc.
for contributing to provident funds;
proviso as to officers lent by Government; and
as to approval of regulations by Government.
40. Punishment and dismissal of officers and servants.

IV.—OF THE PROPERTY AND LIABILITIES OF LOCAL BOARDS.

Vesting of Property.

41. Transfer to local boards of property and assets of superseded committees.
42. Vesting of future local works.

Liabilities.

43. Distribution of existing liabilities between district and taluka local boards.

V.—OF REVENUE AND EXPENDITURE.

Local Funds.

44. Local funds where to be kept and of what to consist.
45. Local funds by what boards to be expended.
46. General charges to be defrayed by district local boards.
47. Assignments of certain portions to municipalities or cantonment committees.
48. Expenditure for educational purposes to be made by district local boards only.
49. Provisions for determining by which boards expenditure should be incurred for other purposes.
50. How the local fund shall be drawn against.

Accounts.

SECTIONS.

51. Accounts to be kept in form prescribed by Government.
52. Publication of abstract of accounts annually.

Annual Budget. Estimates.

53. Return to be rendered to local boards of actual and estimated income of local funds.
54. Preparation of annual budget estimates of income and expenditure.
Consideration and approval of budget estimates by the boards.
55. Taluka local boards' budget estimates to be submitted for sanction to the district local board.
56. Revised or supplementary budget estimates may be made when necessary.
Re-appropriations to be subject to approval or sanction like budget estimates.
57. Budget estimates and re-appropriations not to be approved or sanctioned unless an annual balance is provided for, and, in the case of works, detailed estimates are attached.
Copies of budget estimates and re-appropriation statements to be sent to the Collector.
58. Except on a pressing emergency, no sum not provided for in a budget estimate to be expended.
59. Provision as to budget estimates in force when this Act comes into operation.

Audit of Accounts.

60. Audit to be made periodically under the orders of Government.
Auditor to have power to see all accounts, etc.: costs of audit.

VI.—EXECUTION OF WORKS.

61. Works to be executed by the Government Executive Engineer.
Works which may be executed by other agency.
Payment of Government establishment employed by Government Executive Engineer.

VII.—CONTROL.

62. Collector's powers of inspection and supervision.
63. Power of Commissioner to prevent extravagance in establishments.
64. Collector's power of suspending execution of orders, etc., of local boards.
Collector's order to be reported to Commissioner, who may confirm or modify it.
Every case under this section to be reported to Government for their final orders.

SECTIONS.

65. Extraordinary powers of Collector in case of emergency.
66. Power of Government to provide for performance of duties in default of local board.
67. Power of Government to supersede local boards in case of incompetency, default, or abuse of powers.
Consequences of exercise of such power.
68. Powers of Government and of the Commissioners over Collectors, etc.

VIII.—RULES.

69. Purposes for which rules and orders may be made.

IX.—MISCELLANEOUS.

70. Penalty for member, officer or servant of a local board being interested in any contract, etc., with that board.
71. Members, etc., of boards to be public servants.
72. Acquisition of land.
73. Powers and duties of Government to be discharged in Sind by the Commissioner.
74. Limitation of suits, etc.
75. Amendment of Bombay Act III of 1869.
76. Amendment of Bombay Act VIII of 1865.
77. Amendment of Bombay Act III of 1875.

IEDULE.

BOMBAY ACT No. I OF 1884.[1]

[*21st March, 1884.*]

An Act to make better provision for the administration of Local Funds in the Presidency of Bombay.

WHEREAS it is expedient to amend the law relating to the administration of local funds by district and taluka committees; It is enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called "The Bombay Local Boards Act, 1884". Short title.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1883, Pt. V, p. 39; for Report of the Select Committee, *see ibid*, p. 101; and for Proceedings in Council, *see ibid*, p. 72, and *ibid*, 1884, pp. 2 and 21.

Local extent.

It extends to the whole of the Presidency of Bombay, except the City of Bombay and Aden.

Repealing section.

2. From the date notified by the Governor in Council under section 13 for each district the enactments mentioned in the Schedule [1]* * * * shall be repealed in such district to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them:

Provided that—

all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the committee or authority heretofore charged, in the local area over which the authority of any local board established under this Act extends, with the administration of local funds under [2]Bombay Act VIII of 1865 (which Act may be called "The Sind Local Funds Act, 1865") or the [3]Bombay Local Funds Act, 1869, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the local board so established; Bom. Act III of 1869.

and all sums of money due to the said committee or authority shall be deemed to be due to the said local board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against any such committee or authority may be continued or instituted by or against the said local board;

and all rules or orders made under any enactment hereby repealed and all other rules, if any, now in force and relating to any of the matters hereinafter dealt with shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

Interpretation section.

3. In this Act, unless there be something repugnant in the subject or context,—

"Official Gazette."

(1) the term "official gazette" means, in Sind, the Sind Official Gazette, and elsewhere, the Bombay Government Gazette;

(2) [*Definition of "Commissioner."*] *Rep. Bom. Act III of 1886,* s. 2;

"Salaried servant of Government."

(3) the words "salaried servant of Government" do not include a retired servant of Government in receipt of a pension;

"Taluka."

(4) the word "taluka" means any local area for which a taluka local board is established, inclusive of the portion of such area, if any, for the time being within a municipal district or a military cantonment;

Expressions defined in the Revenue Code.

(5) any word or expression which is defined in the [4]Bombay Land-revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code. Bom. Act V of 1879.

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[1] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] *Supra.*

[3] *Supra.*

[4] *Supra.*

II.—Of Local Boards.

Constitution of the Boards.

Establishment of district and taluka local boards.

4. Local funds shall be administered by local boards[1] established for this purpose as hereinafter provided. There shall be one local board for each district and also one for each taluka as constituted under the [2]Bombay Land Revenue Code, 1879, or for such area consisting of one or more such talukas or portions of such talukas as the Governor in Council shall deem fit.

Bom. Act V. of 1879.

Local extent of the board's authority.

Each district local board shall have authority for the purposes of this Act over the entire district, and each taluka local board over the entire taluka for which they are respectively established, except such portions thereof as are for the time being within a municipal district or a military cantonment.

Constitution of local boards.

5. Every district and taluka local board shall consist of—

(*a*) elective members, and

(*b*) such persons, if any, as the Governor in Council or any officer whom he [3]authorizes in this behalf from time to time appoints, who shall be called "nominated members":

Provided that the number of elective members shall be not less than one-half of the whole board exclusive of the president, and that not more than one-half of the nominated members shall be salaried servants of Government.

Elective members of taluka local boards by whom to be elected.

6. The elective members of taluka local boards[1] shall be as follows:—

(*a*) one member for each municipal district within the taluka for which a taluka local board has been established containing more than five thousand inhabitants, elected by the commissioners of such district from amongst their own number;

(*b*) one member (qualified as hereinafter provided) for each of the several groups into which for the purposes of this clause the Governor in Council shall from time to time deem fit to cause the villages in the area subject to the authority of such board to be divided, elected by persons qualified, as hereinafter provided, to vote at such elections;

(*c*) one member elected by the holders of entire alienated villages, if any, within the taluka, from amongst their own number,

[1] For Notifications regarding the establishment of Local Boards in the Bombay Presidency including Sindh, made under sections 4, 6, 7 and 69, *see* Bombay Local Rules and Orders.

[2] *Supra.*

[3] For Notification authorising Commissioners of Divisions to appoint nominated members, *see* Bombay Local Rules and Orders.

or, if there is but one such holder in the taluka, such holder himself or any person whom he nominates as his representative.

Elective members of district local boards by whom to be elected.

7. The elective members of district local boards shall be as follows:—

(*a*) one member or, if Government so direct, two or more members for each taluka local board in the district, or one member for two or more taluka local boards in the district, united for this purpose into a joint board, elected by the members of such board or joint board from amongst their own number;

(*b*) one member for each municipal district within the district containing not less than eighteen thousand inhabitants elected by the commissioners of such district from amongst their own number;

(*c*) one member elected by the holders of entire alienated villages, if any, within the district, from amongst their own number, or, if there is but one such holder in the district, such holder himself, or any person whom he nominates as his representative:

Provided that the person to be elected by any taluka local board under clause (*a*) may not be a Mamlatdar having jurisdiction in the area subject to the authority of such board.

Constitution of local boards in exceptional parts.

8. The Governor in Council may at any time by notification in the Bombay Government Gazette direct that the provisions of sections 5, 6 and 7, and the subsequent provisions of this Act which refer to those sections or any one or more of the said provisions shall not apply to the local board of any district or taluka to which for exceptional reasons which shall be set forth in the said notification he shall deem such provisions to be unsuitable.

In the said notification or any subsequent notification published as aforesaid, the Governor in Council may prescribe[1] such provision or provisions as he deems fit in substitution for the provision or provisions declared inapplicable to any local board, and the provision or provisions so prescribed shall have effect, so far as concerns such board, as if the same were inserted in this Act.

It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section, and, in the event of any notification under the first paragraph being rescinded, the local board affected thereby shall, from a date to be fixed in this behalf by the Governor in Council, be constituted in accordance with sections

[1] For orders as to the constitution of Local Boards in Sindh, *see* Bombay List of Local Rules and Orders.

5, 6 and 7 and the subsequent provisions of this Act having reference thereto.

Incorporation of local boards.

9. Every local board shall be a body corporate by the name of "The District Local Board of " or "The Taluka Local Board of ", as the case may be, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by them, and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immoveable property for a term exceeding three years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

Qualifications and disqualifications of Members.

Qualifications necessary for certain members of taluka local boards.

10. Unless disqualified on any of the grounds set forth in the next following section [1][and unless disqualified under section 25 or section 25A, or under any other law for the time being in force], the following persons shall be entitled to have their names entered in the List No. 1, to be prepared as hereinafter provided, qualifying them to be elected under section 6 (*b*) members of a taluka local board, namely:—

(*1*) land-holders, whose holdings situate within the taluka are assessed (or in the case of alienated lands, would be assessed, if they were not alienated) to the land-revenue at not less than forty-eight rupees per annum or such smaller minimum as the Governor in Council shall from time to time prescribe for each taluka;

(*2*) persons who own immoveable property within the taluka, other than a holding described in clause (*1*) of this section, estimated by the Collector to be not less than five thousand rupees in value;

(*3*) persons, residing within the taluka, whose annual net earnings from any occupation are estimated by the Collector to be not less than five hundred rupees;

(*4*) pensioned Government servants residing within the taluka whose pensions are not less than rupees fifty per mensem;

(*5*) honorary Magistrates residing within the taluka;

(*6*) officiating revenue or police patels of villages within the taluka;

[1] These words and figures were inserted by s. 5 (*3*) (*a*) of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

(7) such other persons, if any, residing within the taluka, as the Governor in Council shall from time to time, by notification in the official gazette, direct.

General disqualifications.

11. No female and no person—

(*a*) who is less than twenty-one years of age, or

(*b*) who is a District or a Subordinate Judge or is acting in either of those capacities, or

[1][(*c*) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification, on account of such sentence, has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf, or]

(*d*) who is an uncertificated bankrupt or an undischarged insolvent,

may be a member of a local board;

and no person—

(*e*) who is a subordinate officer or servant of a local board, or

(*f*) who has directly or indirectly any share or interest in any work done by order of a local board, or in any contract or employment with or under a local board,

may be a member of such board;

and any member of a local board who, during the term for which he has been elected or appointed,—

(*g*) becomes disqualified for any of the above reasons, or

(*h*) is absent for more than four consecutive months from the limits of the district in which the board is established,

shall cease to be a member, and his office shall become vacant.

Re-eligibility of members.

12. A person who has already been elected or appointed a member of a board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Terms of Office; Casual Vacancies.

First local boards from what date to take office.

13. The members of the first local boards to be established under this Act shall commence their terms of office on such date[2] as shall be notified in this behalf for each district by the Governor in Council.

[1] Clause (*c*) was substituted by s. 1 of the Bombay Local Boards (Amendment) Act, 1885 (Bom. Act 4 of 1885), *infra*.

[2] Dates have been notified under s. 13 for all districts.

Term of office.

14. Except as is otherwise provided in the next following section, members of local boards shall, unless they become in the meantime disqualified, hold office for a term of three years [1][extensible, by order of the [2][Commissioner], to a term not exceeding in the aggregate three years and six months, if on any occasion the [2][Commissioner] shall think fit, for reasons which shall be notified, together with the order, in the Bombay Government Gazette, so to extend the same].

Casual vacancies how to be filled up.

15. In the event of the death, resignation or disqualification of a member of a local board or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Elections of Members.

Elections when to be held.

16. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf: Provided that when the elections are for the first boards to be established in any local area under this Act or for filling the places of members, whose terms of office have expired, such dates shall be—

(*a*) if the elections are under section 7 (*a*), as early as conveniently may be after the elections and appointments to the taluka local boards by which such elections are to be made are completed, and before the commencement of the term of office of the district local board to which such elections are to be made;

(*b*) in any other case, not sooner than three months and not later than one month before the commencement of the term of office of the members of the board to which such elections are to be made.

Elections under sections 6 (*c*) and 7 (*c*) how to be conducted.

17. The Collector shall, subject to the orders of [3][the Commissioner], from time to time determine what persons are entitled to vote and what persons are qualified to be elected under section 6 (*c*) and section 7 (*c*), respectively, and his decision shall be conclusive.

When an election has to be made under section 6 (*c*) or section 7 (*c*), the Collector shall, not less than ten days before the date fixed for the

[1] These words were added by s. 1 of the Bombay Local Boards Further Amendment Act, 1888 (Bom. Act 1 of 1888), Vol. III of this Code.

[2] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] These words were substituted for the word "Government" by *ibid.*

election, cause a list of the persons qualified to be elected to be left at the usual residence of each of the persons entitled to vote at such election, together with a notice inviting the last named persons, before the day fixed for the election, to make each a written return to him of the name of any one of the persons mentioned in the said list for whom they wish to vote.

On the day fixed for the election, or as soon as may be thereafter, the Collector shall inspect all returns duly made as aforesaid, and shall record in writing under his signature the result of the election.

What persons may be voters at elections of members of taluka local boards under section 6 (*b*).

18. Unless disqualified under the next following section [1][or section 25A or under any other law for the time being in force] the following persons shall be entitled to have their names entered in the List No. II, to be prepared as hereinafter provided, qualifying them to vote at elections of members of taluka local boards under clause (*b*) of section 6, namely:—

(1) every person possessing the qualifications described in any of the clauses (*1*) to (*7*) of section 10: Provided that such person resides within the group of villages for which such list is prepared and that if his qualification is under clause (*1*) or clause (*2*) of that section, the holding or immoveable property in respect of which he is so qualified is without the limits of a municipal district containing more than five thousand inhabitants;

(2) all other persons, if any, residing within the group of villages for which the list is to be prepared to whom the Governor in Council shall by notification in the official gazette from time to time deem fit to extend the franchise:

Provided always that no alteration in, or addition to, the qualifications entitling persons as aforesaid, made at any time after the first elections have been held in any district under section 6 (*b*), shall take effect in such district within six months from the date on which such alteration or addition is made.

General disqualifications.

19. No person who is less than twenty-one years of age shall be entitled to have his name entered in the said List No. II.

Preparation of lists of persons qualified to be members of taluka local boards and of voters.

20. The Collector shall, as soon as may be after the coming into force of this Act, prepare—

(*a*) a list (which shall be called "List No. I"), for each taluka, of the persons qualified to be members of the local board of that taluka; and

[1] These words and figures were inserted by s. 5 (*3*) (*b*) of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

(*b*) a list (which shall be called "List No. II"), for each of the groups of villages into which for the purposes of clause (*b*) of section 6 the area subject to the authority of the said board has been divided, of the persons qualified to vote in such group at elections of members of the taluka local board under the said clause.

The said lists shall be prepared in the first instance from such information as shall be available in the records of the Collector and of the officers subordinate to him.

Similar new lists shall be prepared by the Collector whenever [1][the Commissioner so directs] and at least once in every three years; and such new lists shall be based upon information available as aforesaid and also upon the past decisions of the Collector under section 22.

Publication of the lists.

21. The lists so prepared shall be published by affixing a copy of each of them in some conspicuous place in or near the office of the Mamlatdar, or of each Mamlatdar, having jurisdiction in the taluka to which they relate and by affixing in the chavdi or some other public building of each town or village in the taluka a copy of List No. I and of so much of List No. II as affects such town or village.

The publication aforesaid shall be made in the vernacular language of the taluka and at least two months before the date fixed for the election of members to the first local board to be established in the taluka, and thereafter at least two months before the date fixed for any election of persons to fill the places of members whose terms of office have expired.

Revision of lists.

22. The Collector may, on application being made to him at any time within one month after the publication of the lists aforesaid by any person claiming to be qualified to be a member, or to vote at an election of members of the taluka local board, correct any erroneous entry in either of the said lists, or insert therein the name of any applicant who satisfies him of his right to have it so entered.

Lists conclusive evidence of right to be elected or to vote.

23. No person whose name is not in the revised List No. I last published before the date of any election under clause (*b*) of section 6 shall be qualified to be elected a member of the taluka local board for the taluka to which it refers;

and no person whose name is not in the revised List No. II last published before the date of any such election for any group of villages shall be qualified to vote at the election of a member for such group.

Provisions for particular cases.

24. If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more

[1] These words were substituted for the words "Government so direct" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

persons who are willing to take office, the selection of one of such persons shall be made by the Collector, or by such officer as he may empower in this behalf, by lot in such manner as the Collector, or the officer so empowered, shall deem fit.

If the person in whose favour the highest number of votes is recorded at any such election declines to take office, the person, if any, in whose favour the next highest number of votes has been recorded and willing to take office shall be deemed to be the member elected.

If at any election no votes are recorded, or if for any reason the election does not result in the return of any qualified person willing to take office, the Collector, in the case of a taluka local board, and the Commissioner, in the case of a district local board, shall, with the approval of Government, appoint some person who would have been qualified to be elected, and the person so appointed shall be deemed to be a member of the local board as if he had been duly elected.

Determination of validity of elections: inquiry by Judge: procedure.

[1][**25.** (*1*) If the validity of any election of a member of a local board, or the legality of any order or proceeding made or held under the last preceding section, is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within fifteen days after the date of the declaration of the result of the election or the date of the proceeding or order, apply to the District Judge of the district within which the election has been or should have been held.

(*2*) An inquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the Governor in Council either specially for the case or for such cases generally, and such Judge may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election or the order of the Collector under the last preceding section, or for setting the election aside. For the purposes of the said inquiry the said Judge may exercise any of the powers of a Civil Court, and his decision shall be conclusive. If he sets aside an election a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

(*3*) (*a*) If, on holding such inquiry, the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (*4*), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge

[1] Section 25 was substituted by s. 3 of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that, for the purpose of such computation, no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(*4*) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself or of any one in whom he is interested. It does not include a promise to vote for or against any particular measure which may come before a local board for consideration.

(*5*) If the validity of the election is brought in question only on the ground of an error made by the officer or officers charged with carrying out the rules made under section 69, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(*6*) If the Judge sets aside an election under clause (*a*) of sub-section (*3*), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any local board for a term of years not exceeding seven, and the Judge's decision shall be conclusive:

Provided that such person may, by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in that behalf, be at any time relieved from such disqualification.]

[1][**25A.** (*1*) (*a*) Whoever in any election under this Act, directly or indirectly, by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consider- Corrupt practices: criminal offences and procedure.

[1] Section 25A was inserted by s. 4 of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. Act 6 of 1917), Vol. V of this Code.

ation or hold out any promise of individual profit or hold out any threat of injury to any person, and

(*b*) whoever shall give, procure, or abet the giving of a vote in the name of a voter, who is not the person giving such vote,

shall be liable to a fine not exceeding two hundred rupees for every such offence.

(*2*) Whoever, being qualified to vote at any election under this Act or claiming to be so qualified, accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Explanation.—In sub-section (*1*) and sub-section (*2*), "individual profit" includes a benefit accruing to the person himself or to any one in whom he is interested. It does not include a promise to vote for or against any measure which may come before a local board for consideration.

(*3*) Every person convicted under sub-section (*1*) or sub-section (*2*) shall, for such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified from voting at any election to a local board or at any municipal election and from being a member of any local board or a councillor in any municipal district.

(*4*) An offence under this section shall not be triable by a Criminal Court inferior to that of a Magistrate of the first class, and shall not be triable in a summary way.

(*5*) No Court shall take cognizance of any offence under this section except on the complaint of the Judge who has held an inquiry under section 25, or before whom such inquiry is pending.

(*6*) No prosecution for an offence under this section shall be instituted except within the six months next after the date of the declaration of the result of the election.

(*7*) An appeal shall lie to the Court of Session against any sentence or order passed by a Magistrate under sub-section (*1*), sub-section (*2*) or sub-section (*3*).]

Publication of names of members in the official Gazette.

26. The names of all members finally elected to any local board, as well as the names of the nominated members, if any, appointed thereto shall be published, as soon as conveniently may be, in the official Gazette.

Presidents and Vice-Presidents.

Nomination of presidents;

27. Every local board shall be presided over by a president who shall be one of the members of the local board, and shall be appointed by

the Government or, if the Governor in Council so directs, elected by the local board.

and of vice-presidents.

If the president so appointed or elected is a salaried servant of Government, the board shall elect one of its members to be vice-president; unless the Governor in Council otherwise directs, no appointment of a vice-president shall be valid until it is approved by the Government, or by such other authority as the Government prescribe in this behalf.

Their term of office and liability to be removed.

Every president's and vice-president's term of office shall cease on the expiry of his term of office as a member of the local board over which he presides: Provided that he shall be removeable from office, as such president or vice-president, by the Government for misconduct, or neglect of, or incapacity to perform, his duty.

Casual vacancies in their office how to be filled up.

In the event of the death, resignation, or removal from office of a president or vice-president, or of his becoming incapable of acting, or disqualified to be a member of the local board, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment or election, as the case may be, of some other member of the board thereto.

Functions of presidents.

28. The president of a local board shall—

(*a*) preside at the meetings of the board;

(*b*) watch over the financial and executive administration of the board, and submit to the board all questions connected therewith which shall appear to him to require its orders;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board; and, subject to the regulations at the time being in force framed by the board under section 39, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*d*) furnish to the Collector, or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the board and any extract from the minutes of the board's proceedings, or other document or thing which the Collector may from time to time call for under section 62.

President in certain cases to have only a casting vote.

When the president of a board is a salaried servant of Government and has been appointed to be president by the Government, he shall not vote upon any question which comes before such board for decision unless there is an equality of votes of the other members of the board present for and against the proposition under consideration, in which case he shall have a casting vote.

Functions of vice-presidents.

29. Vice-presidents of local boards shall—

(*a*) in the absence of the president preside at the meetings of the board; and

(*b*) exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him.

Duties of the Local Boards.

Obligatory duties.

30. It shall be the duty of local boards, so far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely:—

(*a*) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them;

(*b*) the construction and repair of hospitals, dispensaries, markets, dharmshalas and other public buildings, and the visiting, management and maintenance of these institutions;

(*c*) the construction and repair of public tanks, wells and water-works, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution;

(*d*) the provision of suitable accommodation for, the visiting and maintenance of, and the training of teachers for, primary schools, and the general development and extension of primary education;

(*e*) public vaccination and sanitary works and measures necessary for the public health;

(*f*) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards; [1]*

(*g*) the maintenance of any property vesting in them; [2][and]

[2][(*gg*) the payment to members of the board of expenses incurred in travelling for the purpose of the business of the board, in accordance with rules made in this behalf under clause (*cc*) of section 69:

Provided that no such payment shall be made to a salaried servant of Government;]

[1] The word " and " was omitted by s. 2 (*a*) of the Bombay Local Boards (Amendment) Act, 1919 (Bom. Act 5 of 1919), Vol. V of this Code.

[2] The word " and " at the end of clause (*g*) and clause (*gg*) were inserted by s. 2 (*b*), *ibid* and under s. 4 of the said Act has effect from 1st April, 1917.

and local boards may at their discretion provide out of the said fund for the following matters, namely:— Discretionary powers of expenditure.

(*h*) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, and the introduction and preservation of fish;

(*i*) the establishment and maintenance of relief and local relief works in time of famine or scarcity;

(*j*) educational objects other than those set forth in clause (*d*) of this section; and

(*k*) any other local works or measures likely to promote the health, comfort or convenience of the public.

31. Subject to the control of the district local board and, as regards educational matters, to the provisions of section 48, clause (*b*), each taluka local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained at its cost, and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration. Relative duties of taluka and district local boards.

In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

Conduct of Business.

32. The following provisions shall be observed with respect to the proceedings of a local board, namely:— Provisions regulating local boards' proceedings.

(*a*) The board shall meet together and shall from time to time make regulations[1] consistent with this Act, and with any rules or orders made by Government under section 69 with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely:— Board to meet together and arrange for transaction of business as they think fit, but

(*I*) that the president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members, call a special meeting; a special meeting may be called whenever necessary upon an emergency, and

[1] Rules have been made under ss. 32 and 39 by all the principal local boards in the Presidency, but all of them do not appear to have been published in the local Gazette. They are noted, however, in the list prefixed to the Bombay Local Rules and Orders.

one-third of the members shall form a quorum, and

(2) that no business shall be transacted at any meeting unless at least one-third of the members are present from the beginning to the end of such meeting;

meetings must ordinarily be open to the public, and

(3) that every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings;

every meeting to be presided over by the president, and

(4) that every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-president, and if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

all questions must be decided by a majority of votes, and

(5) that, except as is otherwise provided in section 28, all questions shall be decided by a majority of votes of the members present, the president, vice-president or chairman, having a second or casting vote in all cases of equality of votes;

board may delegate their functions to committees, and

(6) that the board may delegate any of their duties or powers to committees consisting of such members as they think fit; and that any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed;

committees' meetings to be presided over by a chairman, and

(7) that a committee may elect a chairman of their meetings, and if no such chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their members to be chairman of such meeting;

committees shall meet when they think proper, and

(8) that committees may meet and adjourn as they think proper, but the president of the board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee;

questions at committees' meetings shall be decided by a majority of votes, and

(9) that questions at any meeting of a committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the com-

mittee are present from the beginning to the end thereof;

notice must be given to Public Works and Educational officers when they are entitled under section 33 to be present and

(*10*) that, except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 61 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted at any meeting of a local board or of a committee, unless at least fifteen days previous to such meeting a letter has been addressed to any officer of the Government Public Works and Educational Departments, respectively, who is not a member of the board but is entitled under section 33 to be present at such meeting, informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business;

minutes of proceedings shall be kept, and

(*11*) that minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 33, and of the proceedings at each meeting of the board and each committee's meeting, and, if any member present at the meeting so desire, of the names of the members voting respectively for or against any resolution in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president or vice-president or chairman of such meeting, and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district;

all regulations made by a taluka local board to be subject to the approval of the district local board.

(*12*) that every regulation made under this section by a taluka local board shall be subject to the approval of the district local board to which such taluka local board is subordinate.

Vacancy not to affect board's proceedings.

(*b*) During any vacancy in the board, the continuing members may act as if no vacancy had occurred.

Acts of board, etc., not to be invalidated by informalities.

(*c*) No act of the board, or of any committee, or of any person acting as a member or as a president, vice-president, or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, committee, president, vice-president, chairman, or member, or on the ground that they, or any of them, were disqualified for the office of

member, or that formal notice of the intention to hold a meeting of a board or of a committee was not duly given, or for any other such mere informality.

Certain Government officers may attend meetings of district local boards;

33. The Executive Engineer, the Educational Inspector and the Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district, when charged with any of the duties of a health officer therein, if not members of a district local board, shall have the right of being present at any meeting of the said board, or of any committee thereof, and with the consent of the board or committee, each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such board or committee: Provided that the said officers shall not, unless they are members of the board, be entitled to vote upon any such question.

and certain Government officers may attend meetings of taluka local boards.

Any officer of the Government Public Works Department not lower in rank than an overseer employed in a taluka, and any officer of the Government Educational Department not lower in rank than the Deputy Educational Inspector of a taluka may, under the like circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the taluka local board of such taluka or of any committee of the said board.

Local boards may require the presence of the said officers at their meetings.

If it shall appear to a district local board or to a taluka local board that the presence of any of the above officers respectively is desirable for the purpose aforesaid at any future meeting of such board, or of any committee thereof, it shall be competent to such board, by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting.

President may circulate written propositions.

34. Whenever it appears to the president of a local board, or to the chairman of a committee, unnecessary to convene a meeting, he may instead of so doing circulate a written proposition of his own, or of any other member of such board or committee, or of any executive officer of the board for the observations and votes of the members.

Previous to circulating any such proposition for the votes of members, the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (*10*) of section 32, shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 33 to be present at any meeting at which such proposition might be considered, desires to record.

The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a

special meeting is convened to consider the proposition under clause (*1*) or clause (*8*) of section 32.

Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (*11*) of section 32.

Mode of executing contracts.

35. The president of a local board may, on behalf of the board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: Provided that the amount or value of such contract or agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a taluka local board.

Every other contract or agreement on behalf of a local board shall be in writing and shall be signed by the president and by two other members of the board, and shall be sealed with the common seal of the board.

No contract or agreement not executed as in this section provided shall be binding on a local board.

Joint Committees.

Joint committees of two or more local bodies.

36. A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment committee, or with more than one such local board, municipality or committee—

(*a*) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee; and

(*b*) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(*c*) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of [1][the Commissioner, if the local bodies are in one division, and of Government, if they are in different divisions] shall be final.

[1] These words were substituted for the word "Government" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

Personal liability of Members.

Local funds ordinarily liable for all costs and expenses incurred by boards;

37. Except as is hereinafter otherwise provided, no member of a local board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board; the local fund at the disposal of each local board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

but members to be held responsible for misapplied funds.

Provided that every member of a local board shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a member, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of the Government.

III.—Of the Officers and Servants of Local Boards.

Schedule of establishment to be prepared and sanctioned by district local boards.

38. Every district local board may engage and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the taluka local boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

Until a schedule is prepared and sanctioned under this section, the establishment, if any, entertained in any district for the administration of local funds on the day previous to the date notified by the Governor in Council under section 13 for each district, shall be deemed to have been duly sanctioned and appointed under the foregoing provisions for such district.

Local boards to frame regulations:

39. Every district local board may from time to time frame [1]regulations—

for fixing the amount of the security to be furnished;

(*a*) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the board from whom it may be deemed expedient to require security;

for regulating leave;

(*b*) for regulating the grant of leave to the permanent officers and servants maintained by the board;

for settling absentee allowances;

(*c*) for authorizing the payment of allowances to the said officers and servants or to certain of them, whilst absent on leave;

[1] As to rules, *see* note to s. 32, *supra*, p. 495.

(*d*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave; — for fixing acting allowances;

(*e*) for regulating the period of service of all such officers and servants; — for regulating length of service;

(*f*) for determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances; — for fixing pensions, etc.;

(*g*) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants: — for contributing to provident funds;

Provided that—

(*h*) if an officer is lent to any local board by the Government or if an officer is employed partly in the service of Government and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by the rules in this behalf from time to time in force, and shall not, except with the assent of Government, dispense with his further services at any time without giving the Government six months' previous notice; — Proviso as to officers lent by Government and

(*i*) no regulation made by any district local board under this section shall have effect unless and until it has been approved by the Governor in Council. — as to approval of regulations by Government.

40. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation framed under the last preceding section and to any rule or order made by the Governor in Council under section 69, vest in the said board. — Punishment and dismissal of officers and servants.

IV.—Of the Property and Liabilities of Local Boards.

Vesting of Property.

41. All such immoveable and other property as is held by or in trust for any committee for the purposes of the [1]Bombay Local Funds Act, 1869, or the [2]Sind Local Funds Act, 1865, shall, upon and after the date notified by the Governor in Council under section 13 for each district, — Transfer to local boards of property and assets of superseded committees.

Bom. Act III of 1869.
Bom. Act VIII of 1865.

[1] *Supra.*
[2] *Supra.*

vest in the district local board or the taluka local board established hereunder having authority over the same local area to which such committee's functions extended, but subject to all charges and liabilities affecting the same.

It shall be competent to the Governor in Council from time to time to direct whether any such property as aforesaid shall vest in the district local board or the taluka local board having authority as aforesaid, and any such direction of the Governor in Council shall be conclusive.

Vesting of future local works.

42. [1]* * * Every road, building or other work constructed by a local board shall vest in the board by which it has been constructed.

Liabilities.

Distribution of existing liabilities between district and taluka local boards.

43. It shall be competent to the [2][Commissioner] from time to time to direct whether the liability for any such debt or other obligation, or any such contract, matter or thing as is described in the proviso to section 2, shall fall upon the district local board or the taluka local board having authority in the local area in which such debt or other obligation was incurred, or such contract entered into, or such matter or thing engaged to be done, and any such direction of the [2][Commissioner] shall be conclusive.

V.—Of Revenue and Expenditure.

Local Funds.

Local funds where to be kept and of what to consist.

44. There shall be formed in each district a fund which shall be called "The Local Fund" and which shall be kept in the Government treasury.

To it shall be credited—

(*a*) in Sind, the net proceeds (after deducting the expenses of assessment and collection) of the cess on land and of the shop-tax levied under the [3]Sind Local Funds Act, 1865, Bom. Act VIII of 1865.

(*b*) elsewhere, the net proceeds (after deducting the expenses of assessment and collection) of the cess levied under the [4]Bombay Local Funds Act, 1869, in the district; and Bom. Act III of 1869.

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[1] The first paragraph of s. 42 (as to the vesting of other property than that referred to in s. 41) was repealed by s. 2 of the Bombay Local Boards (Amendment) Act, 1885 (Bom. Act 4 of 1885), *infra*.

[2] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] *Supra*.

[4] *Supra*.

wherever this Act is in force—

(*c*) the net proceeds (after deducting the expenses, if any, of collection and of the maintenance of the ferries) of all public ferries established in the district under the [1]Bombay Ferries Act, 1868, and all penalties inflicted and levied under the said Act in the district; and

Bom. Act II of 1868.

(*d*) the net proceeds (after deducting the expenses, if any, of collection) of all tolls and leases of tolls on roads and bridges vested in the local boards under section 41, [2]* * * or constructed by the local boards at the cost of the local fund under this Act, levied in the district under [3]Bombay Act III of 1875; and

(*e*) such portion of the net proceeds of fees, fines and penalties levied under [4]Bombay Act VIII of 1866 (*an Act to regulate and restrict the sale of poisons in the Bombay Presidency*) as the Collector, under section 10 of the said Act, from time to time directs; and

(*f*) the proceeds of all fees levied in the district under the [5]Bombay Land-revenue Code, 1879, for permission to remove sand or to quarry; and

Bom. Act V of 1879.

(*g*) all sums placed by Government to the credit of the fund under section 1 (*b*) of [6]Act XVIII of 1883 or otherwise, or contributed by private persons; and

(*h*) all sums received by any local board in the district in execution of this Act:

Provided that, when a public ferry, road or bridge is partly in one district and partly in another, the [7][Commissioner, if the districts are in one division, and the Governor in Council, if they are in different divisions], may assign to the local fund of each district such proportion of the net proceeds of such ferry, or of the toll, or of the lease of the tolls levied on such road or bridge as he shall think fit.

Local funds, by what boards to be expended.

45. The local fund of a district shall be available for expenditure for any of the purposes of this Act as follows, namely:—

(*a*) by or under the direction of each taluka local board—

(*I*) the whole of the sums described in clauses (*e*) and (*f*) of the last preceding section levied in the taluka; and

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[1] *Supra.*

[2] The words " or by order of the Governor in Council under s. 42," were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[3] Tolls on Roads and Bridges Act, 1875 (Bom. Act 3 of 1875), *supra.*

[4] Bombay Poisons Act, 1866 (Bom. Act 8 of 1866), has been repealed by the Poisons Act, 1904 (1 of 1904).

[5] *Supra.*

[6] Act 18 of 1883 was repealed by Act 1 of 1891, s. 10. *See* now Act 1 of 1871, s. 31, enacted by Act 1 of 1891, s. 9, Genl. Acts, Vol. II.

[7] These words were substituted for the words " Governor in Council " by Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(*2*) the portion accruing within the area subject to the authority of such board of any sums which may be placed by Government to the credit of the fund under section 1 (*b*) of [1]Act XVIII of 1883; and

(*3*) all other sums placed to the credit of the fund by the Government or contributed by private persons for expenditure by such board within the area subject to its authority; and

(*4*) all sums described in clause (*h*) of the last preceding section, received by it or on its account; and

(*5*) the balance of the revenue described in clause (*a*) or clause (*b*) of the last preceding section levied in the area subject to its authority, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 48 and for such share of the charges payable by the district local board under sections 46 and 49 as the said board shall deem equitable;

(*b*) by or under the direction of the district local board, the remaining portion of the fund.

Expenditure by the local boards out of the local fund shall ordinarily be made within the areas respectively subject to their authority only but may, with the sanction of Government and for the use or benefit of the said area, be made outside of that area on any of the purposes of this Act.

General charges to be defrayed by district local boards.

46. Every district local board shall, from the portion of the local fund at its disposal, defray—

(*a*) the salaries and other emoluments of all officers and servants maintained under section 38, and the pensions or other retiring allowances, if any, of such officers and servants;

(*b*) the expenses attending the [2]audit of the accounts of the local boards of the district as hereinafter provided; and

(*c*) such sum as shall from time to time be fixed by Government for the payment of the salaries, allowances and contributions for pension, according to the rules from time to time prescribed by Government, of any officers or servants employed in any Government office or elsewhere on the business of the local boards of the district, and of the incidental expenses, if any, incurred by Government or any of the officers of Government in the district, for any of the purposes of this Act.

[1] Act 18 of 1883 was repealed by Act 1 of 1891, s. 10. *See* now Act 1 of 1871, s. 31, enacted by Act 1 of 1891, s. 9, Genl. Acts, Vol. II.

[2] For rules under s. 46, in conjunction with s. 69, as to audit of accounts of expenditure on works of local boards, *see* Bombay Local Rules and Orders.

Assignments of certain portions to municipalities or cantonment committees.

47. Every district local board shall assign and cause to be paid to every municipality and cantonment committee within the district for which such board has been established, out of the district local fund, a sum equal to two-thirds of the amount of revenue described in clause (*a*) or clause (*b*) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee the whole of the said amount (which amount shall, at the request of the district local board, be ascertained and certified by the Collector).

The sum so assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 30, or for the remuneration of officers and servants whom they entertain for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in clause (*a*) or clause (*b*) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee shall be expended by it for educational purposes only as defined in section 30, clause (*d*).

Expenditure for educational purposes to be made by district local boards only.

48. In every district the expenditure from the local fund for educational purposes as defined in section 30, clauses (*d*) and (*j*), shall be made by the district local board only, and for this purpose a sum equal to not less than one-third of the revenue described in clause (*a*) or clause (*b*) of section 44 (after deducting one-third of the amount thereof levied from lands or shops in any municipal district or cantonment) shall be set apart by the said board for expenditure by it on the said purposes:

Provided—

(*a*) that no portion of the revenue so set apart levied in the area subject to the authority of any taluka local board shall, except with such board's consent, be expended out of the said area; and

(*b*) that the charges to be necessarily defrayed by each district local board on account of primary education, the extent of the independent authority of district and taluka local boards in respect of education and their relations generally with the Government Educational Department and to each other in educational matters shall be from time to time [1]prescribed by the Governor in Council.

The provisions of clause (*b*) of this section shall apply also to municipalities and cantonment committees in respect of the sums to be expended by them under section 47 for educational purposes.

[1] For such rules, *see* Bombay Local Rules and Orders.

Provisions for determining by which boards expenditure should be incurred for other purposes.

49. The responsibility of district and taluka local boards, respectively, for expenditure in respect of matters other than education shall be determined in accordance with the following provisions, namely:—

(*a*) each local board shall be responsible for the maintenance of any building or other property which vests in it and of any work which has been executed at its cost;

(*b*) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, the maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more talukas are, or may be, interested;

luka local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local and for all local services and institutions not maintained by the district local board;

(*d*) large works of the nature described in the last preceding clause, which are beyond the means at the disposal of a taluka local board, may be undertaken by the district local board at its own cost, or the district local board may assist the taluka local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the taluka local board or by private persons, or by both.

If a difference of opinion arises between a district and a taluka local board as to which board is responsible for any charge or any work, institution or service, the question shall be referred for the decision of the Commissioner, which shall be final.

How the local fund shall be drawn against.

50. Subject to the provisions of sections 65, 66 and 67, no payment shall be made from the Government treasury out of a local fund except upon a cheque or letter of credit signed by the president and one other member of the local board which requires such payment.

Payment of any sum in excess of fifty rupees shall be made by a local board by means of a cheque [1][or of a letter of credit] signed as aforesaid and not in any other way.

Sums not exceeding fifty rupees may be paid by the president, or by such officer as each local board appoints for this purpose, in cash. Cheques for sums not in excess of three hundred rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

[1] These words were inserted by s. 3 of the Bombay Local Boards Further Amendment Act, 1885 (Bom. Act 4 of 1885), *infra*.

Accounts.

Accounts to be kept in form prescribed by Government.

51. Accounts of the receipts and expenditure of every local board shall be kept in such form as the Governor in Council from time to time [1]prescribes, and shall be balanced annually on the last day of every financial year, ending on the 31st March.

Publication of abstract of accounts annually.

52. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses, the works undertaken, and the sums expended on each work and the balance, if any, in hand, shall be forwarded by the president of the board every year, as soon as may be after the 31st March, in such form as the Governor in Council from time to time prescribes, to the Collector or to such other officer as the Collector nominates in this behalf, and shall be published in the official Gazette.

Annual Budget Estimates.

Return to be rendered to local boards of actual and estimated income of local funds.

53. To enable local boards to prepare annual budget estimates as hereinafter provided, the Collector shall annually render to each taluka local board in his district, not later than the 1st October, in such form as the Governor in Council from time to time directs, a return setting forth, for the taluka for which such board is established,—

(*a*) the actual receipts in the last complete official year;

(*b*) a revised estimate of the receipts in the current official year; and

(*c*) a first estimate of the probable receipts in the next following official year;

} from each of the sources from which the local fund is derived;

and, to the district local board, a similar return for the whole district.

The district local board shall, not later than the 1st November, communicate to each taluka local board in the district the probable amount of the revenue described in clause (*a*) or clause (*b*) of section 44 which will be at the disposal of such taluka local board in the next following official year, explaining the manner in which, with reference to section 45, clause (*a*), paragraph (*5*), the said amount has been fixed.

[1] For rules regulating the general administration of local funds made under ss. 51 to 54, in conjunction with ss. 60 and 69, *see* Bombay Local Rules and Orders.

Preparation of annual budget estimates of income and expenditure.

54. Every local board shall have prepared, on or before the fifteenth day of November every year, in such form as the Governor in Council from time to time prescribes,[1] a budget estimate of the income and expenditure of the board for the next official year.

Consideration and approval of budget estimates by the boards.

The board shall, on or as soon as may be after the said date, consider the budget estimate so prepared and approve of the same with or without modification as they shall think fit.

Taluka local boards' budget estimates to be submitted for sanction to the district local board.

55. Every budget estimate, as approved by a taluka local board, shall be forthwith submitted to the district local board to which such taluka board is subordinate, which may—

(*a*) as often as it thinks fit, send back such estimate to the taluka local board for revision, or

(*b*) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

Revised or supplementary budget estimates may be made when necessary.

56. Every local board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the local board, and, in the case of a taluka local board, submitted to the district local board for sanction, in the same manner as if it were an original annual budget estimate.

Re-appropriations to be subject to approval or sanction like budget estimates.

Re-appropriations of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate.

Budget estimates and re-appropriations not to be approved or sanctioned unless

57. No budget estimate of a local board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid unless:

an annual balance is provided for, and,

(*a*) provision is therein made for such board's having at its credit at the end of the official year a balance of not less than five thousand rupees in the case of a district local board, and of two hundred rupees in the case of a taluka local board;

in the case of works, detailed

(*b*) for every work, whether of first construction or of repair, there is attached to the budget estimate in which provision

[1] *See* footnote on page 507.

is made therefor a detailed estimate of the cost of such work, which has been approved by the board and [1]* * in the case of a road of which the cost is to exceed, on an average, fifty rupees per mile, or of any other work of which the total cost is to exceed five hundred rupees, plans and estimates have been prepared or approved by the Government Executive Engineer of the district. estimates are attached.

A copy of every budget estimate and a statement of every re-appropriation as finally approved or sanctioned under the foregoing provisions shall be forwarded by the president of each local board without delay to the Collector, or such officer as he nominates in this behalf. Annual budget estimates shall be so forwarded not later than the 10th December. Copies of budget estimates and re-appropriation statements to be sent to the Collector.

58. Save in case of pressing emergency, no sum shall be expended by, or on behalf of, any local board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid. Except on a pressing emergency, no sum not provided for in a budget estimate to be expended.

If any sum is so expended on a pressing emergency, the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a taluka local board) together with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

59. Every budget estimate framed by, or binding upon, any committee or authority heretofore charged with the administration of local funds under the [2]Bombay Local Funds Act, 1869, or the [3]Sind Local Funds Act, 1865, and in force on the date which shall be notified by the Governor in Council under section 13 for each district shall be deemed to have been duly prepared and approved or sanctioned under this Act so far as it relates to the period which intervenes between the date aforesaid and the thirty-first day of March next following that date. Provision as to budget estimates in force when this Act comes into operation.

Bom. Act III of 1869.
Bom. Act VIII of 1865.

If any such budget estimate would, but for the passing of this Act, have force and effect after the said thirty-first day of March, the local board having authority over the local area in which it would so have effect and force, may set it aside as from that date: Provided that works in progress at the said date under any such budget estimate shall not be discontinued except with the sanction of the Governor in Council.

Audit of Accounts.

60. The accounts of every local board shall be examined and audited Audit to be made periodically under the orders of Government.

[1] The words " for which " were repealed by s. 4 of the Bombay Local Boards Further Amendment Act, 1885 (Bom. Act 4 of 1885), *infra*.

[2] *Supra*.

[3] *Supra*.

at such intervals, in such manner and by or under the superintendence of such auditor as the Governor in Council from time to time [1]directs.

Auditor to have power to see all accounts, etc.: costs of audit.

Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession, or under the control, of the local board, and the costs of audit shall be paid by the district local board at such rate as Government shall determine.

The report of the auditor on each local board shall be published in the official Gazette, and a copy thereof shall be sent to each board concerned and to the Collector. A copy of the report on every taluka local board shall also be sent to the district local board of the district.

VI.—Execution of Works.

Works to be executed by the Government Executive Engineer.

61. Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by section 57, clause (*b*), as the Governor in Council shall from time to time in a general or special order [2]direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for the Government, and shall have control over all officers and servants of a local board, if any, assisting in the execution of any of the said works.

Works which may be executed by other agency.

All other works shall be executed by such agency and subject to such supervision as the local board, at whose cost any such work is to be executed, thinks fit: Provided that any such work shall, at the desire of the said board, be executed by the Government Executive Engineer of the district in the manner prescribed in the first paragraph of this section.

Payment of Government establishment employed by Government Executive Engineer.

When any work is executed under this section by a Government Executive Engineer, either wholly or partly with the aid of his own Government establishment, such charge shall be payable on account of such establishment by the local board at whose cost the work is being executed as shall be agreed upon between such board and the said Executive Engineer: Provided that no charge shall in any case be made on account of the services of the Executive Engineer.

VII.—Control.

Collector's powers of inspection and supervision.

62. The Collector shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any local board, or any work in progress under it or under its direction;

[1] For rules under s. 60, in conjunction with ss. 51 to 54 and s. 69, *see* Bombay Local Rules and Orders.

[2] For rules as to such works, *see* Bombay Government Gazette, 1885, Pt. IA, p. 112, and the Sindh Official Gazette, 1894, Pt. IA, p. 32.

(*b*) to call for any extract from any local board's or any committee's proceedings, any book or document in the possession of or under the control of a local board, and any return, statement, account or report which he may think fit to require such board to furnish;

(*c*) to require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such board, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the board, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

All or any of the powers given to the Collector under this section may be delegated by him to the Assistant or Deputy Collector in charge of the taluka in the case of a taluka local board.

Power of Commissioner to prevent extravagance in establishments.

63. If, in the opinion of the Commissioner, the number of persons maintained by a district local board as officers or servants, or whom a district local board proposes to maintain, or the remuneration assigned by the board to those persons or to any particular person, is excessive, the said board shall, on the requirement of the Commissioner, reduce the number or remuneration of the said persons or person:

Provided that the district local board may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

Collector's power of suspending execution of orders, etc., of local boards.

64. If, in the opinion of the Collector, the execution of any order or resolution of a local board, or the doing of anything which is about to be done or is being done, by or on behalf of a local board, is causing, or is likely to cause, injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner, who may confirm or modify it.

When a Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the local board affected thereby a copy of the order with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Extraordinary powers of Collector in case of emergency.

65. In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

Power of Government to provide for performance of duties in default of local board.

66. When the Governor in Council is informed, on complaint made, or otherwise, that a local board has made default in performing any duty imposed on it by or under this Act, the Governor in Council, if satisfied after due inquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty.

If that duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Governor in Council may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

Power of Government to supersede local boards in case of incompetency, default, or abuse of powers.

67. If, in the opinion of the Governor in Council, a local board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Governor in Council may, by an order published, with the reasons for making it, in the official Gazette, declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of exercise of such power.

When a local board is so superseded, the following consequences shall ensue:—

(*a*) all members of the board shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the board may, during the period of supersession, be exercised and performed by such person or

persons as the Governor in Council, from time to time, appoints in that behalf;

(*c*) where a local board is superseded, all property vested in it shall, during the period of supersession, vest in Government.

On the expiration of the period of supersession specified in the order, the board shall be re-established by the election or appointment of new members under the provisions of this Act applicable thereto.

Powers of Government and of the Commissioners over Collectors, etc.

68. In all matters connected with this Act, the Governor in Council and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

VIII.—Rules.

Purposes for which rules and orders may be made.

69. The Governor in Council may from time to time make and from time to time vary or rescind [1]rules, or orders, consistent with this Act—

(*a*) prescribing the number of members for each local board and the proportion of elective and nominated members for each;

(*b*) determining the mode in which [2]elections of members of local boards, other than elections under sections 6 (*c*) and 7 (*c*), and the places at which and the authorities, if any, under whose superintendence such elections shall be held, and the manner in which votes thereat shall be recorded, and how and by whom the results of such elections shall be declared;

(*c*) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted and as to the appointment, control, punishment and dismissal of the officers and servants of local boards;

[3][(*cc*) prescribing, for the purposes of clause (*gg*) of section 30, the conditions under which, and the rates at which, payment of travelling expenses shall be made;]

(*d*) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act and not therein specially provided for.

All rules and orders so made shall be published in the official Gazette.

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[1] For rules issued under this section, in conjunction with ss. 4, 6 and 7, *see* note to s. 4, *supra*, and for those made in conjunction with ss. 51 to 54 and s. 60, *see* note to ss. 51 to 54, *supra*.

[2] For rules regarding the election of members, *see* Bombay Local Rules and Orders.

[3] Clause (*cc*) was inserted by s. 3 of the Bombay Local Boards (Amendment) Act, 1919 (Bom. Act 5 of 1919), Vol. V of this Code, and under s. 4 of the said Act has effect from 1st April, 1917.

IX.—Miscellaneous.

Penalty for member, officer or servant of a local board being interested in any contract, etc., with that board.

70. If any member of a local board or any officer or servant maintained by or employed under a local board has, directly or indirectly, any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable, on conviction before a Criminal Court, to a fine which may extend to five hundred rupees:

Provided that the penalty herein prescribed and the disqualification for membership of a local board prescribed in section 11, clause (*f*), shall not be deemed to apply by reason only of a person—

(*a*) having a share in any joint-stock company which shall contract with or be employed by or on behalf of the local board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or

(*d*) being professionally engaged on behalf of the local board as a legal practitioner.

Nevertheless it shall not be lawful for a person having any share or interest such as is described in the above clauses (*a*) and (*b*) to act as a member of a local board in any matter relating to a contract or agreement between the local board and such company or the manager or publisher of such newspaper.

Members, etc., of boards to be public servants.

71. Every member of a local board and every officer and servant maintained by a district local board shall be deemed to be a public servant within the meaning of section 21 of the [1]Indian Penal Code. XLV of 1860.

Acquisition of land.

72. When any land is required for the purposes of this Act, the Governor in Council may, on the request of the local board requiring it, proceed to acquire it under the provisions of the [2]Land Acquisition Act, 1870; and, on payment by the local board of the compensation awarded under that Act, the land shall vest in the local board.

Powers and duties of Government to be discharged in Sind by the Commissioner.

73. The powers and duties conferred and imposed by this Act on the Governor in Council or the Government, except those so conferred and imposed by sections 8, 63, 64, 67 and 68, shall, in Sind, be exercised and performed by the Commissioner.

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[1] General Acts, Vol. I.

[2] *See* now the Land Acquisition Act, 1894 (1 of 1894), Genl. Acts Vol. IV.

Limitation of suits, etc.

74. No action shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of;

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Bom. Act III of 1869. Bom. Act V of 1879.

Amendment of Bombay Act III of 1869.

75. In the [1]Bombay Local Funds Act, 1869:

(*a*) the words "Bombay Land-revenue Code, 1879," shall be substituted for the words "(Bombay) Act I of 1865" wherever they occur; and

(*b*) the words "Commissioner of the Division" shall be substituted in section 8 for the words "Revenue Commissioner"; and

(*c*) the words "if no such rate is so recorded or if the rate so recorded is" shall be substituted in rule 3 of section 7 for the words "if this rate be".

Bom. Act VIII of 1865.

Amendment of Bombay Act VIII of 1865.

76. In the [2]Sind Local Funds Act, 1865, section 2, the word "of" shall be substituted for the words "heretofore customarily levied, namely".

Amendment of Bombay Act III of 1875.

77. For clause (*2*) of section 3 of Bombay Act III of 1875 the following clause shall be substituted, namely:—

"*Clause 2.*—The word 'persons' in this section shall be deemed to include local boards established under the Bombay Local Boards Act, 1884."

SCHEDULE.

(*See section 2.*)

Enactment.	Subject.	Extent of repeal.
[3]Bombay Act VIII of 1865.	An Act to authorize taxation in the province of Sind for objects of public local utility and improvement.	In the preamble the words "and to aid in defraying the expense of the Department of Public Works in the Province of Sind". Sections 6, 7 and 8.

[1] *Supra.*
[2] *Supra.*
[3] *Supra.*

Enactment.	Subject.	Extent of repeal.
[1] Bombay Act III of 1869.	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility and improvement and to constitute local committees for the due administration of such funds.	In the title the words "and to constitute local committees for the due administration of such funds". In the preamble the words "and whereas it is expedient to constitute local committees to provide for the due appropriation of such funds to the purposes aforesaid". Sections 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13.
[1] Bombay Act II of 1868.	An Act to amend the law relating to public ferries in the Presidency of Bombay.	Section 16.
[1] Bombay Act III of 1875.	An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay.	Section 12.

BOMBAY ACT No. IV OF 1885.[2]

[*20th October, 1885.*]

An Act to amend the Bombay Local Boards Act, 1884, * *[3] Bom. Act I of 1884.

[NOTE.—The amendments made by this Act are incorporated in Bom. Act I of 1884, *supra*.]

BOMBAY ACT No. III OF 1886.

[NOTE.—Schedule B of Bombay Act 3 of 1886 revived after the repeal of the Act by Bom. Act 1 of 1904, b an amendment made to the Schedule of the Act by Bom. Act 1 of 1904, by an amendment made to the Schedule 'Act 1 of 1904, Vol. IV of this Code.]

[1] *Supra.*
[2] For the Statement of Objects and Reasons, *see* Bombay Government Gazette, 1885, Pt. V, p. 2; and for Proceedings in Council, *see ibid*, p. 25.
[3] The words "and the Bombay District Municipal Act Amendment Act, 1884," were repealed by s. 4 of the Amending Act, 1903 (1 of 1903), Genl. Acts, Vol. V.

BOMBAY ACT No. IV OF 1886.[1]

[*10th November, 1886.*]

Bom. Act V of 1879.

An Act to amend the Bombay Land-revenue Code, 1879.

WHEREAS, for the purpose of assuring to holders of unalienated land the full advantage of all improvements in their holdings effected by them or at their cost, it is expedient to define more clearly the conditions affecting the revision of land-revenue assessments, and with this object to amend the Bombay Land-revenue Code, 1879; It is enacted as follows:—

Bom. Act V of 1879.

[NOTE.—The amendments made by this Act are incorporated in Bom. Act V of 1879, *supra*.]

BOMBAY ACT No. V OF 1886.[2]

[*28th January, 1887.*]

An Act to amend Bombay Act III of 1874.

Bom. Act III of 1874.

WHEREAS it is expedient to amend the Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is enacted as follows:—

Amendment of section 5.

1. For section 5 of the said Act the following section shall be substituted (namely):—

[*Supra.*]

Female members to be postponed.

2. Every female member of a watan family other than the widow of the last male owner, and every person claiming through a female, shall be postponed in the order of succession to any watan, or part thereof, or interest therein, devolving by inheritance after the date when this Act comes into force to every male member of the family qualified to inherit such watan, or part thereof, or interest therein.

Widow's interest.

The interest of a widow in any watan or part thereof shall be for the term of her life or until her marriage only.

Amendment of section 10.

3. In section 10 of the said Act the words "or may pass" shall be inserted after the words "or have so passed".

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[1] For the Statement of Objects and Reasons, *see* Bombay Government Gazette, 1885, Pt. V, p. 17; and for Proceedings in Council, *see ibid*, 1886, pp. 73 and 137.

[2] For the Statement of Objects and Reasons, *see* Bombay Government Gazette, 1885, Pt. V, p. 5, and *ibid*, 1886, p. 165; for Report of the Select Committee, *see ibid*, p. 31; and for Proceedings in Council, *see ibid*, p. 26, and *ibid*, 1886, pp. 94 and 178.

As to the local repeal and amendment of Bom. Act 5 of 1886, *see* s. 3 of the Matadars Act, 1887 (Bom. Act 6 of 1887), *infra*.

SHORT TITLE.—"The Bombay Hereditary Offices (Amendment) Act, 1886." *See* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

4. [*Repeal of portion of section 11.*] *Rep. Act XVI of 1895.*

New section added after section 11.

5. *After section* 11 of the said Act the following section shall be inserted, namely:—

[*Supra.*]

Amendment of section 30.

6. In section 30 of the said Act the word "officiators" shall be substituted for the word "sharers."

Amendment of section 35.

7. In section 35 of the said Act the words "notice or" shall be inserted after the word "which".

Amendment of section 38.

8. For section 38 of the said Act the following section shall be substituted (namely):—

[*Supra.*]

Amendment of section 45.

9. For section 45 of the said Act the following section shall be substituted (namely):—

[*Supra.*]

New section substituted for section 46.

10. For section 46 of the said Act the following shall be substituted (namely):—

[*Supra.*]

Amendment of section 50.

11. In section 50 of the said Act, the word "general" shall be substituted for the word "known".

New section substituted for section 53.

12. For section 53 of the said Act the following section shall be substituted (namely):—

[*Supra.*]

New section substituted for section 60.

13. For section 60 of the same Act the following section shall be substituted (namely):—

[*Supra.*]

New section substituted for section 70.

14. For section 70 of the said Act the following section shall be substituted (namely):—

[*Supra.*]

Amendment of section 84.

15. (*1*) In section 84 of the said Act the following words shall be inserted after the word "purpose", *viz.*—

[*Supra.*]

(*2*) And the following paragraph shall be added to the said section, *viz.*—

[*Supra.*]

Addition of a new Schedule.

16. The following Schedule shall be added to the said Act (namely):—

[*Supra.*]